

**REMARKS**

Claims 1-21 are pending in this application.

Claims 1, 5-7 and 10-11 have been amended by the present Amendment.

Amended claims 1, 5-7 and 10-11 do not introduce any new subject matter.

Claims 16-21 have been withdrawn from consideration without prejudice pursuant to 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention and have been canceled without prejudice by the present Amendment.

**AMENDMENTS TO SPECIFICATION AND CLAIMS  
TO CORRECT TYPOGRAPHICAL ERRORS**

Applicants noticed that the specification and claims 1, 6, 7, 10 and 11 inadvertently included the term "insulting" instead of "insulating". Accordingly, Applicants have corrected portions of the specification and of claims 1, 6, 7, 10 and 11 to properly recite "insulating".

**ALLOWABLE SUBJECT MATTER**

Applicants gratefully acknowledge the Examiner's indication that claims 6-15 are allowed.

**OBJECTION TO TITLE**

Reconsideration is respectfully requested of the Examiner's objection to the title of the invention. The title has been amended so that it clearly indicates the invention to which the claims are directed. Therefore, Applicants respectfully request that the objection to the title be withdrawn.

**DRAWING OBJECTION**

The Examiner has objected to the drawings under M.P.E.P. § 608.02(g), stating that "Figure 1 should be designated by a legend such as –Prior Art– because only that

which is old is illustrated.”

In response to the Examiner’s objection, Applicants have amended Figure 1 include the legend –Prior Art–. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

In accordance with 37 C.F.R. § 1.84, Applicants file herewith a replacement drawing sheet for amended Fig. 1, which has been labeled “Replacement Sheet”.

### **REJECTION UNDER 35 U.S.C. § 102**

Reconsideration is respectfully requested of the rejection of claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,673,677 (“Hofmann”).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Applicants respectfully submit that Hofmann does not disclose or suggest the gate sidewall pattern comprising a lower sidewall pattern and an upper sidewall pattern formed on the lower sidewall pattern, as recited in amended claim 1. Therefore, Applicants respectfully submit that claim 1 is not anticipated by Hofmann. In addition, for at least the reason that claims 2-5 depend from claim 1, claims 2-5 are also not anticipated by the cited reference.

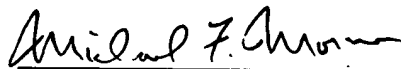
Since Hofmann does not disclose or suggest the lower and upper sidewall pattern configuration recited in independent claim 1, Applicants respectfully submit that

independent claim 1 is not anticipated by Hofmann. Claims 2-5 depend from claim 1, which, for the reasons stated hereinabove, is submitted not to be anticipated by the cited reference. For at least those very same reasons, claims 2-5 are also submitted not to be anticipated by the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-5 under 35 U.S.C. § 102(e) and that claims 1-5 are in condition for allowance.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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